

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES OTIS CATER,)	
)	
Petitioner,)	
)	
v)	Civil Action No.2:07cv739-MEF
)	
DARLENE DREW,)	
WARDEN, FPC MONTGOMERY,)	
)	
Respondent.)	

ORDER

On August 15, 2007 (Doc. No. 1), Petitioner filed the instant application for habeas corpus relief pursuant to 28 U.S.C. § 2241, arguing that the Federal Bureau of Prisons has incorrectly calculated his sentence pursuant to the requirements of 18 U.S.C. § 3585 by failing to credit his federal sentence with time served on a state sentence.¹ The undersigned finds from a review of the petition that it cannot be properly and effectively processed without a response from Respondent.

Accordingly, the Clerk of Court is DIRECTED to send a copy of the petition and this order to the United States Attorney for the Middle District of Alabama and to Warden Darlene Drew, Maxwell Federal Prison Camp. An answer shall be filed with the court and

¹Although the instant petition was date-stamped “received” in this court on August 17, 2007, it was signed by Petitioner on August 15, 2007. Under the “mailbox rule,” a *pro se* inmate’s petition is deemed filed the date it is delivered to prison officials for mailing, presumptively the day it is signed by the inmate. *Houston v. Lack*, 487 U.S. 266, 271-72 (1988); *Adams v. United States*, 173 F.3d 1339, 1340-41 (11th Cir. 1999); *Garvey v. Vaughn*, 993 F.2d 776, 780 (11th Cir. 1993). Accordingly, this court deems August 15, 2007, as the date of filing.

served upon Petitioner within 20 days of service on the United States Attorney for the Middle District. Respondent is directed to file the answer in accordance with the provisions of 28 U.S.C. § 2243. Specifically, Respondent must show cause why the writ should not be granted and, when applicable, shall certify the true cause of Petitioner's detention. Additionally, the answer shall contain the sworn statements of all persons having knowledge of the subject matter of the petition. Authorization is hereby granted to interview all witnesses, including Petitioner. **Whenever relevant, copies of medical and/or psychiatric records shall be attached to the answer. Where Petitioner's claims or Respondent's defenses relate to or involve the application of administrative rules, regulations or guidelines, copies of all such applicable administrative rules, regulations or guidelines shall be filed as exhibits in support of the answer.**

The parties are advised that no motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the petition may be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court. **Petitioner is cautioned that all amendments to the petition should be accompanied by a motion to amend and must be filed within ninety (90) days from the date of this order.**

The *Federal Rules of Civil Procedure* require that Petitioner mail to the lawyer for Respondent a true copy of anything which is sent to the court. Consequently, Petitioner is

advised that she should mail to the United States Attorney for the Middle District of Alabama a true copy of anything that he sends to the court. Failure to do so may result in delaying resolution of this case. Anything sent to the court should specifically state that it has been sent to the United States Attorney for the Middle District of Alabama .

Petitioner is specifically **CAUTIONED** that his failure to file pleadings in conformity with the *Federal Rules of Civil Procedure* and/or the directives contained in this order will result in such pleadings not being accepted for filing. The Clerk of Court is **DIRECTED** to not accept for filing any pleadings submitted by Petitioner which are not in compliance with either the *Federal Rules of Civil Procedure* or the directives contained in this order.

Done this 19th day of September, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE